

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 5961 of 2002

Between:

- 1 Talla Venkata Narayana son of Mallaiah
D.No. 17/190, Kothapet, Nuzvid, Krishna Dist
- 2 Potti China Ranga Rao son of Mahanandi
D.No. 13-199c, Peda Gandhi Bomma Centra, Nuzvid, Krishna dist.

... PETITIONERS

AND

- 1 The Govt. of A.P Rep.by its Secretary, Dept of Revenue (Excise)
Secretariat Buildings Hyderabad.
- 2 The Commissioner of Prohibition & Excise Govt. of A.P
Nampally Hyderabad.
- 3 The Prohibition & Excise Superintendent Krishna at Machilipatnam
Krishna Dist.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate Writ order or direction, declaring the action of the respondents in demanding the petitioners to pay the licence fee at the rate of Rs.8,25,000 each towards the licence fee in respect of Form IL-24 licenses held by them in Nuzvid Town, Krishna Dist for the excise year 2002-03 basing on the provisional population figures pertaining to 2001 census as illegal, arbitrary, discriminatory, and without jurisdiction and consequently direct the respondents to renew the licenses held by the petitioners for the excise year 2002-03 by collecting the annual licence fee at the rate of Rs.4,50,000 from each

petitioner basing on the population figures of 1991 census.

Counsel for the Petitioner: MR.G.VIVEKANAND

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following Order:

ORDER:

Learned counsel for the petitioners submits that this matter is squarely covered by a judgment of this Court reported in W.P.No.5595 and batch dated 31-08-2002.

Recording the above submission made by the learned counsel for the petitioners, the Writ Petition is dismissed. No costs.

A.

GOPAL REDDY, J)

JULY 9, 2004

MRR

To:

1 Secretary, Dept. of Revenue (Excise) Secretariat Buildings Hyderabad.

2 The Commissioner of Prohibition & Excise Govt. of A.P, Nampally

Hyderabad.

3 The Prohibition & Excise Superintendent Krishna at Machilipatnam
Krishna Dist.

4 Two C.Cs to the Government Pleader for Prohibition and Excise, High Court
Buildings, Hyderabad (OUT).

5 Two C.D. Copies.